IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3790 OF 2006

1. Shri Indrajit Ashok Dongre
and ors. ..Petitioners

Vs.

1. Pune Municipal Corporation and ors. ..Respondents

Mr. U.B. Nighot for petitioners.
Mr. V.G. Mujumdar for respondent nos.1 to 3.
Mr. C.R. Sonawane, AGP for respondent no.4.

CORAM: B.H. MARLAPALLE & J. H. BHATIA,JJ.

Date : November 23, 2006.

P.C.:

1. We have heard Mr. Nighot the learned counsel for the petitioners. The draft development plan of the fringe villages included within the expanded corporation limits of Pune was initially published on 31/12/2002 and it has not yet been finally approved by the State Government. In the meanwhile, on 30/5/2005 the corporation published its proposal for revision in the said draft development plan. The petitioners had lodged their objections to this new proposal and they were heard.

2. The corporation has submitted its proposal for modifications to the State Government. The petitioners now pray initially for a writ of prohibition which cannot be granted in the facts and circumstances of the case. Subsequently, they pray that they be heard by the State Government before granting final approval. The proposal which is pending before the State Government does not come within the ambit of Section 37 of the Maharashtra Regional Town Planning Act, 1966 and, therefore, in law, such a right cannot be exercised. If the petitioners submit a representation to the Government of Maharashtra through the Principal Secretary, Urban Development, it is for the State Government to decide on granting of opportunity of hearing to the petitioners or not.

3. This petition, therefore, cannot be entertained and the same is hereby rejected summarily. This order does not come in the way of the petitioners to submit a representation to the State Government.

(J.H. Bhatia, J.) **(B.H. Marlapalle,J.)**